N.J.A.C. 7:5C

Name of rule: ENDANGERED PLANT SPECIES PROGRAM RULES


Date last amended: September 3, 2013

For regulatory history and effective dates see the New Jersey Administrative Code

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N.J.A.C. 7:5C-1.1 Purpose and scope

This chapter constitutes the rules of the Department of Environmental Protection concerning the development and adoption of a State endangered plant species list, as authorized by P.L. 1989, c.56 (N.J.S.A. 13:1B-15.151 through 13:1B-15.158), and contains the official Endangered Plant Species List. The purpose of this chapter is to provide detailed procedures, standards, and criteria for developing and adopting a list of endangered plant species native to the State, in order to eliminate the confusion resulting from various existing inconsistent unofficial lists and to efficiently incorporate the preservation of the State's natural diversity into government planning operations.

N.J.A.C. 7:5C-1.2 Construction

This chapter shall be liberally construed to permit the Department to effectuate the purposes of P.L. 1989, c.56 (N.J.S.A. 13:1B-15.151 through 13:1B-15.158).
N.J.A.C. 7:5C-1.3 Severability

If any subchapter, section, subsection, provision, clause or portion of the chapter, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the subchapter, section, subsection, provision, clause, portion, or application directly involved in the controversy in which such judgment shall have been rendered and it shall not affect or impair the remainder of this chapter or the application thereof to other persons.

N.J.A.C. 7:5C-1.4 Definitions

The following words and phrases, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"APA" means the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

"Commissioner" means the Commissioner of the Department of Environmental Protection, or his or her designee.

"Department" means the Department of Environmental Protection.

"Division" means the Division of Parks and Forestry in the Department of Environmental Protection.

"Endangered Plant Species List" means the official State list of native endangered plant species promulgated by the Department pursuant to P.L. 1989, c.56 (N.J.S.A. 13:1B-15.151 through 13:1B-15.158) and the rules in this chapter.

"Endangered species" means any native plant species whose survival in the State or the nation is in jeopardy, including, but not limited to: plant species designated as listed, proposed, or under review by the Federal government as endangered or threatened throughout its range in the United States pursuant to the "Endangered Species Act of 1973," P.L. 93-205 (16 U.S.C. section 1533 et seq.), as amended; any additional species known or believed to be rare throughout its worldwide range; and any species having five or fewer extant populations within the State.

"Extant populations" means those populations documented in the Natural Heritage Database to exist at a particular location.

"Native" means growing or living naturally in New Jersey without having been brought to or planted in New Jersey by any person.

"Natural Heritage Database" means the manual and computerized file maintained within the Division of Parks and Forestry which includes continually updated information on the location and status of native plant species of the State, as authorized by N.J.S.A. 13:1B-15.146 through 13:1B-15.150.
"Plant" means any member of the Plant Kingdom, including all roots, stems, leaves, flowers, fruits, seeds, spores, gametophytes, and other parts thereof.

"Plant Kingdom" means those organisms contained in the phylum Bryophyta and phylum Tracheophyta.

"Population" means a group of individuals of the same species which occupy a specific geographic location.

"Rare" means extremely uncommon making it vulnerable to extinction throughout its range.

"Species" means any species, subspecies, or variety of plant.

"Under review by the Federal government as endangered or threatened" means plant species listed as candidate species in the most recent Notice of Review published in the Federal Register by the United States Fish and Wildlife Service.

N.J.A.C. 7:5C-2.1 Development and adoption of Endangered Plant Species List

(a) The Commissioner will direct research and investigations related to historical records, populations, distributions, critical habitat needs, limiting factors, and other biological and ecological data that will aid in determining the eligibility of native plant species for inclusion on the Endangered Plant Species List. The Department will incorporate the results of research and investigations conducted under this section into the Division's Natural Heritage Database.

(b) On the basis of research and investigations described at (a) above and information contained in the Natural Heritage Database, the Department will propose and adopt, pursuant to the APA, designation to the Endangered Plant Species List of those native plant species meeting the criteria at N.J.A.C. 7:5C-2.2, giving the common and scientific name for each listed species.

(c) The Department will, on the basis of new or updated information in the Natural Heritage Database, review the Endangered Plant Species List at least annually to determine if additions or deletions to the list are needed based on the criteria at N.J.A.C. 7:5C-2.2. If the Department determines on the basis of its review that a listed plant species is no longer endangered, or that a plant species qualifies for listing as endangered, the Department may propose and adopt, pursuant to the APA, revision of the Endangered Plant Species List. The Department will not propose the removal from the Endangered Plant Species List of any native plant species designated as listed, proposed, or under review by the Federal government as endangered or threatened.

N.J.A.C. 7:5C-2.2 Criteria for designating plant species as endangered

(a) The Department will designate a plant species as endangered if it is a native plant species and it satisfies one or more of the following criteria:
1. The Department makes a determination that its survival in the State or nation is in jeopardy based on the best available scientific information, including, but not limited to:
   i. The number of apparently secure populations in the State as compared to the number of populations vulnerable to decimation by natural or man-made factors;
   ii. The total number of individuals or number of individuals per population of the species in the State; or
   iii. The inherent ability of the species or population to perpetuate itself in the State;
2. It is listed, proposed, or under review by the Federal government as endangered or threatened throughout its range in the United States pursuant to the "Endangered Species Act of 1973," P.L. 93-205 (16 U.S.C. section 1533 et seq.), as amended;
3. It is known or believed to be rare throughout its worldwide range; and/or
4. It has five or fewer extant populations in the State.

**N.J.A.C. 7:5C-3.1 Plant species of concern**

The Department will maintain a list of plant species of concern for the purpose of monitoring the status of the State's flora and to serve as a working list for transition of species to and from the Endangered Plant Species List. The list of plant species of concern will be composed of those species not listed as endangered at N.J.A.C. 7:5C-5.1 and whose populations are monitored by the Natural Heritage Database.

**N.J.A.C. 7:5C-4.1 Public participation**

Persons with information that will help the Department in determining whether a plant species qualifies under the criteria at N.J.A.C. 7:5C-2.2 as endangered may submit specific information to the Division at the following address detailing how the species may qualify as endangered pursuant to N.J.A.C. 7:5C-2.2:

Office of Natural Lands Management
Division of Parks and Forestry
Mail Code 501-04
P.O. Box 420
5 Station Plaza
Trenton, New Jersey 08625-0420
e-mail: NatLands@dep.state.nj.us

**N.J.A.C. 7:5C-5.1 Endangered Plant Species List**

The following plant species are designated as endangered plant species:

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abies balsamea</td>
<td>Balsam Fir</td>
</tr>
<tr>
<td>Aeschynomene virginica</td>
<td>Sensitive Joint-vetch</td>
</tr>
<tr>
<td>Alisma triviale</td>
<td>Large Water-plantain</td>
</tr>
<tr>
<td>Latin Name</td>
<td>Common Name</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>Amaranthus pumilus</td>
<td>Seabeanh Amaranth</td>
</tr>
<tr>
<td>Amelanchier sanguinea var. sanguinea</td>
<td>Round-leaf Service-berry</td>
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<tr>
<td>Ammanna latifolia</td>
<td>Koehn's Toothcup</td>
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<tr>
<td>Andromeda polifolia var. glaucophylla</td>
<td>Bog Rosemary</td>
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<tr>
<td>Anemone cylindrica</td>
<td>Long-head Anemone</td>
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<tr>
<td>Antennaria howellii ssp. canadensis</td>
<td>Canada Pussytoes</td>
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<tr>
<td>Aplectrum hyemale</td>
<td>Puttyroot</td>
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<td>Arabis drummondii</td>
<td>Drummond's Rockcress</td>
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<td>Arabis missouriensis</td>
<td>Missouri Rock-cress</td>
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<td>Arceuthobium pusillum</td>
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<td>Arnoglossum atriplicifolium</td>
<td>Pale Indian Plantain</td>
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<td>Asimina triloba</td>
<td>Pawpaw</td>
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<td>Bradley's Spleenwort</td>
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<td>Asplenium pinnatifidum</td>
<td>Lobed Spleenwort</td>
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<td>Aster borealis</td>
<td>Rush Aster</td>
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<td>Low Rough Aster</td>
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<td>Atriplex subspicata</td>
<td>Saline Orache</td>
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<td>Bidens eatonii</td>
<td>Eaton's Beggar-ticks</td>
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<td>Bidens mitis</td>
<td>Small-fruit Beggars-ticks</td>
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<td>Blephilia ciliata</td>
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<td>Boltonia asteroids var. glastifolia</td>
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<td>Bouteloua curtipendula var. curtipendula</td>
<td>Side-oats Grama Grass</td>
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<td>Brickellia eupatorioides var. eupatorioides</td>
<td>False Boneset</td>
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<td>Calamagrostis pickeringii</td>
<td>Pickering's Reed Grass</td>
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<td>Calystegia sepium ssp. erratica</td>
<td>Occluded Bindweed</td>
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<td>Erect Bindweed</td>
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<td>Cardamine longii</td>
<td>Long's Bittercress</td>
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<td>Cardamine maxima</td>
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<td>Carex arctata</td>
<td>Drooping Wood Sedge</td>
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<td>Carex backii</td>
<td>Back's Sedge</td>
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<td>Carex brunnescens var. sphaerostachya</td>
<td>Round-spike Brownish Sedge</td>
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<td>Carex bushii</td>
<td>Bush's Sedge</td>
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<td>Carex formosa</td>
<td>Handsome Sedge</td>
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<td>Carex haydenii</td>
<td>Cloud Sedge</td>
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<td>Carex jamesii</td>
<td>James' Sedge</td>
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<td>Carex joorii</td>
<td>Cypress-swamp Sedge</td>
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<td>Scientific Name</td>
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<td>Carex laxiculmis var. copulata</td>
<td>Coupled Sedge</td>
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<td>Fine-nerve Sedge</td>
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<td>Carex oligocarpa</td>
<td>Few-fruit Sedge</td>
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<td>Carex peckii</td>
<td>Peck's White-tinged Sedge</td>
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<td>Carex planispicata</td>
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<td>Carex woodii</td>
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<td>Castanea pumila</td>
<td>Chinquapin</td>
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<td>Centrosema virginianum</td>
<td>Spurred Butterfly-pea</td>
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<td>Collared Dodder</td>
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<tr>
<td>Cyperus retrofractus</td>
<td>Rough Flatsedge</td>
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Cyperus schweinitzii
Cypripedium candidum
Cypripedium reginae
Dalibarda repens
Desmodium humifusum
Desmodium pauciflorum
Desmodium sessiliflorum
Dicentra canadensis
Dicentra eximia
Dodia virginiana var. virginiana
Diplazium pycnocarpon
Draba reptans
Dryopteris celsa
Eleocharis brittonii
Eleocharis compressa
Eleocharis equisetoides
Eleocharis melancarpa
Eleocharis olivacea var. reductiseta
Eleocharis quinquefaora
Eleocharis tenuis var. verrucosa
Eleocharis tortilis
Elephantopus carolinianus
Ellisia nyctelea
Elymus trachycaulus
Equisetum pratense
Equisetum variegatum
Eragrostis hirsuta
Eriophorum gracile var. gracile
Eriophorum tenellum
Eriophorum vaginatum var. spissum
Eupatorium capillifolium
Eupatorium resinosum
Eupatorium purpurea
Fraxinus profunda
Galactia volubilis
Galium hispidulum
Galium labradoricum
Gaultheria hispidula
Gentiana linearis
Glycera borealis
Glyceria grandis var. grandis
Gnaphalium helleri var. micradenium
Gnaphalium macounii
Gymnopogon brevifoliis
Helonias bullata
Hieracium kalmii var. fasciculatum
Schweinitz's Flat Sedge
Small White Lady's-slipper
Showy Lady's-slipper
Robin-run-away
Trailing Tick-trefoil
Few-flower Tick-trefoil
Sessile-leaf Tick-trefoil
Squirrel-corn
Wild Bleeding-heart
Larger Buttonweed
Glade Fern
Carolina Whitlow-grass
Log Fern
Britton's Spike-rush
Flat-stem Spike-rush
Knotted Spike-rush
Black-fruit Spike-rush
Pine Barren Spike-rush
Few-flower Spike-rush
Warty Spike-rush
Twisted Spike-rush
Carolina Elephant-foot
Aunt Lucy
Slender Wheatgrass
Meadow Horsetail
Variegated Horsetail
Stout Love Grass
Slender Cotton-grass
Rough Cotton-grass
Sheathed Cotton-grass
Dog-fennel Thoroughwort
Pine Barren Boneset
Darlington's Glade Spurge
Pumpkin Ash
Downy Milk-pea
Coast Bedstraw
Labrador Marsh Bedstraw
Creeping-snowberry
Narrow-leaf Gentian
Small Floating Manna Grass
American Manna Grass
Small Everlasting
Winged Cudweed
Short-leaf Skeleton Grass
Swamp-pink
Canada Hawkweed
Honckenya peploides var. robusta
Hottonia inflata
Hybanthus concolor
Hydrastis canadensis
Hydrocotyle ranunculoides
Hydrophyllum canadense
Hypericum adpressum
Hypericum gymnanthum
Hypericum majus
Hypericum prolificum
Ilex montana
Isanthus brachiatius
Isoetes lacustris
Isoetes melanopoda
Isoetes tuckermanii
Isotria medeoloides
Jeffersonia diphylla
Juncus brachycarpus
Juncus caesariensis
Juncus coriaceus
Juncus diffusissimus
Juncus torreyi
Kalmia polifolia
Krigia dandelion
Kyllinga pumila
Lathyrus ochroleucus
Lechea tenuifolia
Ledum groenlandicum
Lemna perpusilla
Lemna valdiviana
Liatris scariosa var. novae-angliae
Limnobium spongia
Limosella australis
Linnaea borealis var. americana
Linum intercursum
Linum sulcatum var. sulcatum
Lipocarpha micrantha
Listera cordata var. cordata
Listera smallii
Lobelia boykinii
Lobelia dortmannii
Lonicera canadensis
Luzula acuminata var. acuminata
Lycopodium annotinum
Lysimachia lanceolata
Maianthemum canadense var. interius

Seabeach Sandwort
Featherfoil
Green Violet
Golden Seal
Floating Marsh-pennywort
Broad-leaf Waterleaf
Barton's St. John's-wort
Clasping-leaf St. John's-wort
Larger Canadian St. John's Wort
Shrubby St. John's-wort
Large-leaf Holly
False Pennyroyal
Lake Quillwort
Black-base Quillwort
Tuckerman's Quillwort
Small Whorled Pogonia
Twinleaf
Short-fruit Rush
New Jersey Rush
Awl-leaf Rush
Slim-pod Rush
Torrey's Rush
Pale-laurel
Potato Dwarf-dandelion
Low Spike Sedge
Cream Vetchling
Narrow-leaf Pinweed
Labrador Tea
Minute Duckweed
Pale Duckweed
Northern Blazing-star
American Frog's-bit
Awl-leaf Mudwort
Twinflower
Sandplain Flax
Grooved Yellow Flax
Small-flower Halfchaff Sedge
Heartleaf Twayblade
Appalachian Twayblade
Boykin's Lobelia
Water Lobelia
American Fly-honeysuckle
Hairy Wood-rush
Stiff Club-moss
Lance-leaf Loosestrife
Western False Lily-of-the-valley
Maianthemum trifolium
Malaxis bayardii
Malaxis brachypoda
Malaxis unifolia
Megalodonta beckii
Melanthium virginicum
Micranthemum micranthomoides
Milium effusum
Minuartia michauxii var. michauxii
Monarda clinopodia
Muhlenbergia capillaris var. capillaris
Myriophyllum pinnatum
Myriophyllum sibiricum
Myriophyllum tenellum
Myriophyllum verticillatum
Narthecium americanum
Nelumbo lutea
Neobeckia aquatica
Nuphar microphyllum
Onosmodium virginianum
Ophioglossum vulgatum
Oryzopsis asperifolia
Oryzopsis pungens
Panicum aciculare
Panicum boreale
Panicum dichotomum var. yadkinense
Panicum flexile
Panicum hirstii
Panicum longiligulatum
Panicum xanthophyllum
Penstemon laevigatus
Phacelia bipinnatifida
Phlox divaricata var. divaricata
Phlox pilosa var. pilosa
Phyla lanceolata
Picea rubens
Pinus pungens
Pinus resinosa
Plantago pusilla
Platanthera flava var. flava
Platanthera hookeri
Platanthera integrata
Platanthera nivea
Platanthera orbiculata
Platanthera peramoena
Pluchea foetida var. foetida
Three-leaf False Solomon's-seal
Bayard Long's Adder's-mouth
White Adder's-mouth
Green Adder's-mouth
Water-marigold
Virginia Bunchflower
Nuttall's Mudwort
Tall Millet Grass
Rock Sandwort
Basil Beebalm
Long-awn Smoke Grass
Cutleaf Water-milfoil
Common Water-milfoil
Slender Water-milfoil
Whorled Water-milfoil
Bog Asphodel
American Lotus
Lake Water-cress
Small Yellow Pond-lily
Virginia False-gromwell
Southern Adder's-tongue
White-grained Mountain-rice Grass
Slender Mountain-rice Grass
Bristling Panic Grass
Northern Panic Grass
Spotted-sheath Panic Grass
Wiry Panic Grass
Hirst Brothers' Panic Grass
Coastal-plain Panic Grass
Slender Panic Grass
Smooth Beardtongue
Fern-leaf Scorpion-flower
Wild Blue Phlox
Downy Phlox
Fogfruit
Red Spruce
Table Mountain Pine
Red Pine
Dwarf Plantain
Southern Rein Orchid
Hooker's Orchid
Yellow Fringeless Orchid
Snowy Orchid
Round-leaf Orchid
Purple Fringeless Orchid
Stinking Fleabane
Poa autumnalis
Poa saltuensis
Poa sylvestris
Polemonium reptans
Polygala curtissii
Polygala incarnata
Polygala senega
Polygonum densiflorum
Polygonum glaucum
Polyprenum procumbens
Potamogeton illinoensis
Potamogeton obtusifolius
Potamogeton praelongus
Potamogeton zosteriformis
Prenanthes racemosa var. racemosa
Prunus pumila var. depressa
Ptelea trifoliata var. trifoliata
Pycnanthemum clinopodioides
Pycnanthemum torrei
Pyrola chlorantha
Pyrrhopappus carolinianus
Quercus imbricaria
Quercus lyrata
Quercus macrocarpa var. macrocarpa
Quercus nigra
Ranunculus allegheniensis
Ranunculus cymbalaria
Ranunculus fascicularis
Ranunculus flammula var. filiformis
Rhexia aristosa
Rhexia mariana var. ventricosa
Rhododendron canadense
Rhynchospora capillacea
Rhynchospora filifolia
Rhynchospora glomerata
Rhynchospora grayi
Rhynchospora knieskernii
Rhynchospora microcephala
Rhynchospora rariflora
Rhynchospora recognita
Ribes glandulosum
Ribes missouriense
Rubus canadensis
Rubus novocaesarius
Rudbeckia fulgida var. fulgida
Ruellia caroliniensis

Flexuous Spear Grass
Old-pasture Spear Grass
Woodland Spear Grass
Greek-valerian
Curtiss' milkwort
Pink Milkwort
Seneca Snakeroot
Dense-flower Knotweed
Sea-beach Knotweed
Juniper-leaf
Illinois Pondweed
Blunt-leaf Pondweed
White-stem Pondweed
Eel-grass Pondweed
Smooth Rattlesnake-root
Low Sand Cherry
Wafer-ash
Basil Mountain-mint
Torrey's Mountain-mint
Greenish-flower Wintergreen
Carolina desert-chicory
Shingle Oak
Overcup Oak
Mossy-cup Oak
Water Oak
Allegheny Mountain Buttercup
Seaside Buttercup
Early Buttercup
Creeping Spearwort
Awned Meadow-beauty
Showy Meadow-beauty
Rhodora
Capillary Beaked-rush
Thread-leaf Beaked-rush
Clustered Beaked-rush
Gray's Beaked-rush
Knieskern's Beaked-rush
Small-head Beaked-rush
Rare-flower Beaked-rush
Coarse Grass-like Beaked-rush
Skunk Currant
Missouri Gooseberry
Smooth Blackberry
New Jersey Dewberry
Orange Coneflower
Carolina Petunia
<table>
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<tr>
<th>Scientific Name</th>
<th>Common Name</th>
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<tr>
<td>Rumex hastatulus</td>
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<td>Sanicula trifoliata</td>
<td>Large-fruit Black-snakeroot</td>
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THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN
TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.
Tiarella cordifolia var. cordifolia  Foamflower
Tofieldia racemosa False Asphodel
Triadenum walteri Walter's St. John's-wort
Trichomanes intricatum Weft Fern
Tridens flavus var. chapmanii Chapman's Redtop
Triglochin maritima Seaside Arrow-grass
Trillium grandiflorum Large-flower Trillium
Triosteum angustifolium Narrow-leaf Horse-gentian
Triphora trianthophora Three Birds Orchid
Trollius laxus ssp. laxus Spreading Globe Flower
Utricularia biflora Two-flower Bladderwort
Utricularia minor Lesser Bladderwort
Utricularia olivacea Dwarf White Bladderwort
Utricularia resupinata Reversed Bladderwort
Uvularia puberula var. nitida Pine Barren Bellwort
Valerianella chenopodiifolia Goose-foot Cornsalad
Valerianella radiata Beaked Cornsalad
Valerianella umbilicata Navel Cornsalad
Verbena simplex Narrow-leaf Vervain
Vernonia glauca Broad-leaf Ironweed
Veronica catenata Sessile Water-speedwell
Viburnum lantanoides Witch-hobble
Vicia americana var. americana American Purple Vetch
Vicia caroliniana Carolina Wood Vetch
Viola canadensis var. canadensis Canadian Violet
Viola septentrionalis Northern Blue Violet
Vulpia elliotea Squirrel-tail Six-weeks Grass
Wolffiella gladiata Sword Bogmat
Xyris caroliniana Sand Yellow-eyed-grass
Xyris fimbriata Fringed Yellow-eyed-grass
Xyris montana Northern Yellow-eyed-grass
Zigadenus leimanthoides Death-camus